

87-25278

REVIEWED  
RG

LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as Amended, To Exempt Certain Stretches of the Deschutes River From Fill and Removal Conditional Use Requirements, and Declaring an Emergency. \*

87 DEC 10 AM 9:07

MARY SUE PENNOLLOW  
COUNTY CLERK

0089-0843

ORDINANCE NO. 87-032

WHEREAS, on June 30, 1986, the Deschutes County Board of County Commissioners adopted Ordinance No. 86-056, which established conditional use standards for fill and removal activities in wetlands and all streams and rivers in Deschutes County, including the Deschutes River; and

WHEREAS, the 1987 Oregon Legislative Assembly adopted, and the Governor of Oregon approved, House Bill 2919, 1987 Oregon Laws Chapter 291, which designates as scenic waterways the following stretches of the Deschutes River:

- (1) the segment from the gauging station immediately below Wickiup Dam downstream approximately 28 miles to General Patch Bridge (at river mile 199);
- (2) the segment beginning at Harper Bridge (at river mile 192) downstream approximately 20 miles to river mile 172 above Bend, Oregon; and
- (3) the segment beginning at Twin Bridges (at river mile 154.5) downstream approximately 34.5 miles to Lake Billy Chinook, excluding the Cline Falls Dam and powerhouse between river mile 145 and 144; and

WHEREAS, ORS 390.835 (2) provides that fill and removal activity in the bed or banks of any designated scenic waterway is regulated by the Division of State Lands and the State Land Board, and such activity is prohibited unless it is consistent with the policies of the Scenic Waterways Act; and

WHEREAS, the Board of County Commissioners finds that it is in the best interests of the citizens of Deschutes County that fill and removal activity in the bed and banks of the stretches of the Deschutes River designated as scenic waterways not be regulated by both the State and the County, and that State regulation under the Scenic Waterways Act will adequately protect the resources of the designated stretches of the Deschutes River; now, therefore,

KEYPUNCHED ORDINANCE NO. 87-032

DEC 10 1987

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON ORDAINS as follows:

Section 1. Paragraph (23) of Section 8.050, Ordinance No. P1-15, Deschutes County Zoning Ordinance of 1979, as amended, Specific Use Standards, Fill and Removal, is further amended to add the following:

"(B) This Section shall not apply to fill and removal activity in the bed or banks of the following stretches of the Deschutes River which are within Deschutes County:

- (1) The segment from the gauging station immediately below Wickiup Dam downstream approximately 28 miles to General Patch Bridge (at river mile 199);
- (2) The segment beginning at Harper Bridge (at river mile 192) downstream approximately 20 miles to river mile 172 above Bend, Oregon; and
- (3) The segment beginning at Twin Bridges (at river mile 154.5) downstream approximately 34.5 miles to Lake Billy Chinook, excluding the Cline Falls Dam and power house between river mile 145 and 144."

Section 2. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

Dated this 9<sup>th</sup> day of December, 1987.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

Lois Bristow Prante  
LOIS BRISTOW PRANTE, Chair

Tom Throop  
TOM THROOP, Commissioner

Dick Mauldin  
DICK MAUDLIN, Commissioner

ATTEST:

Marianne Courtain  
Recording Secretary